

Robert J. Murphy, Esquire  
Attorney I.D. No. 15555  
7 Coopertown Road  
P.O. Box 39  
Haverford, PA 19041  
610-896-5416  
*Attorney Pro Se*

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**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

IN RE MICHELE MARINARI : CHAPTER 13  
DEBTOR : BKY. NO. 14-19066-JKF13  
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**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

Robert J. Murphy

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of the appeal: Judgment Creditor.

For appeals in an adversary proceeding.

   Plaintiff

   Defendant

   Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in  
adversary proceeding.

   Debtor

  X   Creditor

   Trustee

   Other describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**



1. Describe the judgment order, or decree appealed from: Appellant hereby appeals from Order dismissing captioned Chapter 13 case pursuant to Section 1307 (b) of the Bankruptcy Code; ordering Debtor's counsel to notify all interested parties; order vacating any wage orders; order that the Clerk shall close the case.
2. State the date on which judgment order, or decree was entered: February 22, 2017, a copy of which is attached hereto as Exhibit 1.

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order or decree appealed from and the name, addresses, and telephone numbers of their attorneys (attach additional paper if necessary):

- |                                    |  |
|------------------------------------|--|
| 1. Party: Michele Marinari         | Attorney: Cibik & Cataldo, P.C.<br>Suite 900<br>1500 Walnut Street<br>Philadelphia, PA 19105     |
| 2. Party: Robert J. Murphy         | Attorney: Pro Se<br>7 Coopertown Road<br>P.O. Box 39<br>Haverford, PA 19041                      |
| 3. William C. Miller, Esq.         | Chapter 13 Trustee<br>P.O. Box 40119<br>Philadelphia, Pa 19106-0119                              |
| 4. Andy Vara, Acting U.S. Trustee, | Office of the United States Trustee<br>833 Chestnut Street, Suite 500,<br>Philadelphia, PA 19107 |



**Part 4: Optional election to have appeal heard by the District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless pursuant to 28 U.S.C. Section 158 (c) (1), a party elects to have the appeal heard by the United States District Court. Check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

X Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel. Appellant hereby elects to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

/s/:

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Robert J. Murphy, Esquire, Pro Se

7 Coopertown Road

P.O. Box 39

Haverford, PA 19041

Date:

2/23/17

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in Section 304 (g) of the Bankruptcy Reform Act of 1994, no fee is required.

Form 417A



# EXHIBIT 1



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13  
Michele Marinari

DEBTOR : BKY. NO. 14-19066JKF13

O R D E R

AND NOW, on this                      day of                      2017, upon  
consideration of the Praecipe of the Debtor, it is hereby

ORDERED that this Chapter 13 case is DISMISSED as to  
pursuant to Section 1307(b) of the Bankruptcy Code.

Counsel for the Debtor shall notify all interested parties  
by sending them a copy of this Order.

ORDERED, that any wage orders are hereby VACATED, and it  
is further

ORDERED, that the Clerk shall close the case.

Date: February 22, 2017



Hon. Jean K. FitzSimon  
BANKRUPTCY JUDGE

cc: William C. Miller, Esquire  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105

Michele Marinari  
309 Conestoga Way  
Norristown, PA 19403

Cibik & Cataldo, PC  
Suite 900  
1500 Walnut Street  
Philadelphia, PA 19105



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**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

IN RE MICHELE MARINARI : CHAPTER 13  
DEBTOR : BKY. NO. 14-19066-JKF13  
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CERTIFICATE OF SERVICE

I, Robert Murphy, Esquire, Appellant, hereby certify that Appellant's original Notice of Appeal from the Bankruptcy Court's orders entered February 22, 2017 and Appellant's Statement of Election to have the appeal heard by the United States District Court for the Eastern District of Pennsylvania in the captioned matter has been electronically filed with the Clerk of United States Bankruptcy Court for the Eastern District of Pennsylvania (Philadelphia) together with filing fee on February 23, 2017 in accordance with applicable law and rules and true and correct copies thereof were served via U.S. First Class Mail, Postage Prepaid on the below Bankruptcy Judge and counsel for parties and below listed Chapter 13 Trustee and Acting United States Trustee on February 23, 2017:

Hon. Jean K. FitzSimon  
United States Bankruptcy Court for the Eastern District of Pennsylvania (Philadelphia)  
900 Market Street  
Philadelphia, PA 19107



William C. Miller, Esq.  
Chapter 13 Trustee  
P.O. Box 40119  
Philadelphia, Pa 19106-0119

Andy Vara, Acting U.S. Trustee,  
Office of the United States Trustee  
833 Chestnut Street, Suite 500,  
Philadelphia, PA 19107

Michael A. Caltaldo, Esq.  
1500 Walnut Street, Suite 900  
Philadelphia, PA 19102

BY:/s/



Robert J. Murphy, Esquire  
Pro Se